

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
JOHN MILEUSNIC)	CASE NO. 20-21394-JRA
Aka John Louis Mileusnic)	CHAPTER 7
Debtor)	
)	
NANCY J. GARGULA)	
UNITED STATES TRUSTEE)	Adv. Proc. No. 20-02046
Plaintiff)	
)	
v.)	
)	
JOHN MILEUSNIC)	
Defendant)	

**AGREED ORDER
DENYING DISCHARGE**

NOW COME the United States Trustee Nancy J. Gargula (“U.S. Trustee”), by counsel Jennifer W. Prokop, Debtor John Mileusnic (“Debtor”), individually and by his attorney, Jason R. Moseley and/or Miguel Martinez, hereinafter “the Parties,” all who assert and aver that they have reached an agreement resolving and settling the issues raised by the U.S. Trustee pursuant to 11 U.S.C. § 727 (a)(8).

Wherefore, each Party has signed this Agreed Order and respectfully requests that this Honorable Court accept, approve, and enter this Agreed Order denying John Mileusnic a Chapter 7 discharge in Case Number 20-21394 and only in Case Number 20-21394.

ACKNOWLEDGMENTS

1. The Debtor hereby acknowledges that he caused a Chapter 7 bankruptcy petition to be filed on his behalf in the United States Bankruptcy Court for the Northern District of Indiana on September 16, 2014. Debtor’s Petition was docketed as case number 14-23124.
2. The Debtor hereby acknowledges that he received a Chapter 7 discharge in Case No. 14-23124 on January 12, 2015.
3. The Debtor hereby acknowledges that he caused a Chapter 7 bankruptcy petition to be

filed on his behalf in the United States Bankruptcy Court for the Northern District of Indiana on July 14, 2020. Said Petition was docketed as case number 20-21394.

4. The Debtor hereby acknowledges that case number 20-21394 was filed less than eight years after the filing of case number 14-23124.
5. The Debtor hereby acknowledges that, pursuant to 11 U.S.C. § 727(a)(8), he is not eligible to receive a chapter 7 discharge in case number 20-21394, the current case, because this case was filed less than eight years after the filing of Debtor's prior Chapter 7 case.
6. The Debtor acknowledges that he has consulted with his attorney regarding the United States Trustee's above-captioned complaint to deny his receipt of a Chapter 7 discharge in this case.
7. The Debtor acknowledges his desire to resolve the matter without the need for further litigation, and hereby agrees to the entry of this Agreed Order denying him a Chapter 7 discharge in Case Number 20-21394 and only in Case Number 20-23194.
8. The Debtor acknowledges that his attorney has thoroughly explained the consequences that he will suffer if the Court denies him a chapter 7 discharge in this case.

TERMS

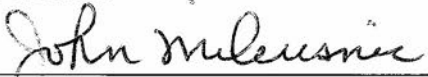
9. The Parties agree and respectfully request that this Honorable Court enter this Agreed Order denying John Mileusnic a Chapter 7 discharge in this case, pursuant to 11 U.S.C. § 727(a)(8), for those debts incurred up to and including July 14, 2020, including those listed on Debtor's Schedule E/F, until such time as Debtor becomes eligible for a Chapter 7 discharge under 11 U.S.C. 727(a)(8).
10. Debtor John Mileusnic further waives all rights to appeal the entry of this Agreed Order and the denial of his chapter 7 bankruptcy discharge in this case.
11. The Parties further agree that should the Court reject this stipulation for any reason, the Parties shall be free to proceed litigating the merits of the case as they see fit.
12. The Parties acknowledge and agree that this stipulation contains the entire agreement between the Parties. The Parties further acknowledge and agree that the U.S. Trustee has not made, nor given any other representations, promises, inducements, or rewards, or given or promised to give any other consideration of any kind whatsoever to John Mileusnic or anyone else on his behalf.

13. If the Court approves this Agreed Order, the UST has no objection to the Debtor converting this case to a Chapter 13.

WHEREFORE, the Parties respectfully request that this Agreed Order be accepted, approved, and entered as an Order in this case, and that the Chapter 7 discharge of John Mileusnic be denied until such time as he is eligible for a Chapter 7 discharge in a new case under 11 U.S.C. § 727(a)(8).

Respectfully submitted,


The Debtor:



John Mileusnic

Dated: 1-22-2021


Debtor's Counsel:



Jason R. Moseley or Miguel Martinez
Law Office of Moseley & Martinez
8002 Utah Street
Merrillville, IN 46410
(219) 472-8391

Dated: 1/22/2021

Counsel for the UST:



Jennifer W. Prokop
Office of the U.S. Trustee
100 E. Wayne St., Suite 555
South Bend, IN 46601
(574) 236-8245

Dated: 2/10/21

ACCEPTED & APPROVED, and SO ORDERED.

JAMES R. AHLER, JUDGE
UNITED STATES BANKRUPTCY COURT

Dated: _____